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DOWHOUSE
MPC 2012
NOV. 73

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Sept. 73
(1967
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NOV. 22 1963

TEN YEARS AFTER

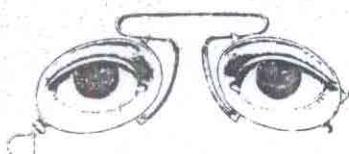
Ten years ago John Kennedy was killed. Ten months later, seven of the most trusted men in America told us what we hoped to hear but found hard to believe: a single kook killed Kennedy for his own kooky reasons, another kook killed the killer for his own private and totally unrelated reasons. Nobody else had anything to do with the two deaths in Dallas. Ten years later there are still twenty-five

books in print wrangling about what happened in Dallas on that November 22 and 24—and why. Few of their authors credit the Warren Commission scenario of Lee Harvey Oswald as a lone assassin and Jack Ruby as a lone avenger.

These books survive a far greater number of books, pamphlets, and articles that ranged from confirmations of the official version, through meticulously documented doubts, to

the most paranoid delusions of conspiracy.

However, Watergate has taught us that suspicion of conspiracy in high places is not a sure sign of paranoia, and it seems certain that neither the press nor its readers would now be so bumptious in accepting an official version of the suspect chain that linked the events in Dallas. Among the top journalists whose doubts escalated after an initial wary acceptance of the Warren Commission's re-



port were Dwight MacDonald, Murray Kempson, Richard Rovere, and Max Lerner. A more remarkable defector from official rectitude was Harrison Salisbury of the *New York Times*, who concluded initially from the Warren report that "no material question now remains unresolved . . . evidence of Oswald's single-handed guilt is overwhelming." Three years and much research later, he had the guts to say that the report could not be the final word and to endorse a proposal that the commission's work be investigated.

Not much ammunition for the attacks on the report has come from new evidence, real or speculative. The evidence offered by these critics was readily available to the commission or its federal investigative agencies. Indeed, most of the evidence for the attacks comes directly from the commission's published twenty-six volumes of proceedings and from the 300 cubic feet of documents the commission regarded as irrelevant, and which it dumped unsorted into the U.S. Archives.

Whitewash, the first book that took flat-out issue with the official conclusions, was scrupulously confined to the commission's own records. The book was the work of Harold Weisberg, a passionate amateur. Despite its carefully researched facts, moderate tone, and competent if amateurish writing, publishers wouldn't touch it [though they praised it]. Weisberg had to print it himself.

IS THAT
WHAT WE
KNOW
ABOUT
SCEWED
ALSO!!

Mark Lane, the man who opened the floodgates of criticism and speculation, and who spawned and nurtured the large cult of conspiracy hunters, also had trouble getting his first book published. Lane, a New York lawyer and former legislator, persuaded Oswald's mother to retain him to defend her dead son. Although American law provides for no defense of a dead man, neither does it provide for his "trial," which the commission's investigation turned out to be.

Lane made himself as obnoxious as possible to the commission and squeezed every bit of publicity from his role as an open advocate for Oswald. Whatever his motivation, Lane's aptly titled book, *Rush to Judgment*, uncovered enough contradictions and neglected evidence to make it clear that if the commission's hearings had been conducted in the adversary context of a trial, and had he been the defense counsel, the record would have told a quite different story. One commission lawyer admitted that Oswald could not have been convicted on the commission's record. Advocate rather than disinterested investigator, Lane picked and chose his evidence, much of which he energetically collected himself. However, the commission also picked and chose its evidence. As Hugh Trevor-Roper wrote in his excellent introduction to Lane's book, *The Report of the War-*

ren Commission is an advocate's summing-up. The fact that the advocate believes his own version is not relevant: advocates often do. Before judgment can be given, the advocate for the other side must also be heard. . . . When both sides have been heard, and, not before, posterity may judge."

The commission became an advocate because of its expressed eagerness to "lift the cloud of doubts that has been cast over American institutions," and to "show the world that America is not a banana republic where a government can be changed by conspiracy."

To most of us who accepted the official version—with some headshaking—the first shock came not from the noisy and nit-picking advocacy of Mark Lane, but from the master's thesis of a then-obscure student of government, Edward Jay Epstein, who took as his project a description of the functioning

was known to be untrue, but because it was "damaging to the agencies that are involved in it"—"must be wiped out insofar as it is possible to do this by this Commission."

After some soul-searching over whether to investigate the story, the commissioners decided that the best way to wipe it out was to ask J. Edgar Hoover if it was true. Hoover said it wasn't. The sources of the information, a reporter and a sheriff's chief deputy, were never questioned.

The commission never was an investigative team, but an extra-constitutional judicial body. The seven commissioners headed by the chief justice of the Supreme Court were chosen for their reputation for probity and not for any investigative skills or experience. Lawyers to a man, they hired a battery of forty other lawyers, who were also chosen for their image. Epstein wrote that there was not a single detective connected with the commission. The FBI, on which it relied almost entirely, had already reached its own conclusions and resented any review of them. So the commission did not develop evidence, it only reviewed it.

Epstein's second insight was more surprising to those of us who assumed that whatever its motives, the commission's review had at least been exhaustive. Epstein shows that, "Rather than being exhaustive, the Commission's investigation was actually extremely superficial . . . limited in terms of both time and manpower." The commissioners were busy men and their attendance at hearings and meetings was, individually, hardly more than occasional. The senior lawyers were also busy men, commuting irregularly from their offices scattered around the country, so that whatever investigation there was fell to a handful of juniors who were glad to get the \$100-a-day consulting fee. One of these lawyers, when asked what the commissioners did, replied, "In one word, nothing." Another said the commissioners had no idea of what was going on.

The actual investigation didn't begin until after Ruby's trial, and if the time for writing the massive report is deducted, there were a mere ten weeks for interviews and hearings involving 552 witnesses.

Epstein was unable merely to submit his scholarly analysis of the commission's operation and go on for his Ph.D. He got caught up, as have hundreds of others, in analyzing, second by fractional second, what happened when Kennedy's car turned from Houston Street into Elm Street, passed the Texas Schoolbook Depository, and approached the "triple overpass." Once you're hooked into those six seconds, you're doomed to join the conspiracy freaks—I know, I'm probably the last convert.

Oswald alone could not have killed John



The Bettmann Archive

of the commission as a government body without precedent. Epstein's research led him far beyond his original intent and his book, *Inquest*, put him, however distastefully, into the company of Mark Lane.

Epstein delved into the inner operation of the commission and arrived at two general insights, judiciously developed and eloquently expressed.

First: by its nature and the circumstances of its creation, the commission's implicit purpose to dispel conspiracy rumors was bound to override its explicit mandate "to ascertain, evaluate, and report on" the facts. This is revealed in the conversations among the commissioners, reported by Epstein, when they were confronted with the rumor (along with some circumstantial evidence) that Oswald was a paid informant for the FBI. They panicked. Counsel J. Lee Rankin told them that this "dirty rumor"—dirty not because it

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Kennedy and wounded Governor Connally. If you're convinced of that, as I now am, you've got to find a conspiracy. God knows, there are so many clues strewn through the record that it begins to read like a Bible for paranoiacs.

I'm not going to take you through the tedious details, but the Warren Commission's one-assassin assumption, accepted from the FBI summary, crumbled when *Life* magazine bought a home movie taken by Abraham Zapruder of the whole assassination. The film made possible a precise time breakdown of the event.

It turned out that the time between the first hit on Kennedy and the hit on Connally was too short for the most highly skilled rifleman the commission could find to operate the bolt of Oswald's Mannlicher-Carcano junk rifle, to say nothing of aiming it. To avoid assuming a second rifleman and hence a conspiracy, a young commission lawyer, Arlen Specter, who had virtually the whole task of investigating the physical facts of the assassination, came up with the "one-bullet theory."

He suggested, and later insisted, that one bullet passed through Kennedy's body, then through Connally's back and chest splintering a rib, then fractured his wrist, and went on to produce a deep wound in his thigh. Epstein wrote that the commission had a hell of a time swallowing this theory, which doesn't square with the photographs of Kennedy's clothing, two FBI reports of the autopsy, the chief doctor's sketch made during the autopsy, testimony of Connally's doctors, and the firm recollection of the governor and his wife. After rejecting the adjective "compelling" for this account, the commission grudgingly included it in the report as a "persuasive" theory, which it said was not necessary for the report's conclusions. But indeed, it was necessary: as one of the commission lawyers remarked, "To say there was more than one bullet is to say there was more than one assassin."

The single magic bullet was necessary not only to establish that there was only one assassin—it also provided the ballistic evidence that identified the rifle traced to Oswald as the murder weapon.

Miraculously, the bullet was "found on a stretcher" in the hospital. More miraculously, the bullet appeared to be completely undeformed after its passing through two bodies, although Connally's doctors reported that more lead was found in his wrist than could have come from the famous bullet, whose copper jacket appeared intact. Neither the man who found the bullet nor the Secret Service agent he said he gave it to were heard

by the commission.

The suspicion that the bullet was planted is the starting point for most of the conspiracy theories that impute official complicity. The autopsy performed by the Navy at Bethesda Hospital is probably the next greatest source of suspicion. Two FBI accounts of the autopsy said the bullet that hit Kennedy six inches below the shoulder did not pass through his body: this wrecked the one-bullet hypothesis. The final autopsy report said the bullet entered the back of the neck and came out from the throat, but the doctor's sketch made on the scene belies this, and to compound suspicion, the doctor said he had burned his preliminary notes. Photographs and X-rays made at the time might settle the matter, but at the Kennedy family's request, they were sealed in the archives for seventy-five years. Neither the doctors nor the commission saw them. I'm sure there will be assassination buffs on hand for the opening in 2039.

While the single-bullet theory is where one begins to suspect the one-assassin theory, there is other evidence that contradicts the report. The preponderance of eyewitness reports identified the source of the shots not as the depository, where Oswald supposedly was, but as a "grassy knoll" in front of Kennedy's car, where extremely suspicious actions were also reported before and after the shooting. Other eyewitnesses saw two men at the window in the depository. Some significant eyewitness reports were not even heard by the commission, and others were ignored in favor of its star witness, Howard L. Brennan. The only witness to have seen Oswald at the murder site, Brennan failed to identify him in a police lineup. Brennan later said that he had recognized Oswald, but had remained silent for fear of reprisal.

The tightest, most nearly scientific analysis of the physical evidence of the shooting—not excepting the FBI and Warren reports—is *Six Seconds in Dallas*, by Josiah Thompson, a professor of philosophy. Working with the original Zapruder film, of which the commission had only a copy of a copy, he concluded that the shots came both from the direction where Oswald supposedly was and from the grassy knoll in front. He also postulated that Kennedy suffered three wounds, not two.

The most thorough examination of the background for possible conspiracy is *Accessories After the Fact*, by Sylvia Meagher, who is probably the most devoted assassination researcher of them all. It was she who provided a complete index to the twenty-six volumes of evidence taken by the commission.

Of course, when you get beyond the actual shooting and into the bizarre and secretive backgrounds of Oswald, Ruby, and their cronies, anything goes. Passing up pure crystal-

ball approaches, the theories that attempt logical construction fall into four major categories:

Conspiracy of the Right: The commission had to expend a lot of effort to dispel this theory, because Dallas rightists and segregationists spread threatening hate literature directed at Kennedy's visit and had assaulted Adlai Stevenson shortly before.

Conspiracy of the Left: A theory easily accepted because of Oswald's background as a defector to the Soviet Union; but it has been given some reverse English by the rumor that all the time he was working for the CIA. There are other twists, such as the notion—advanced in a John Birch Society publication—that the Communists killed Kennedy because he was threatening to desert them and "turn American."

Conspiracy of the federal government itself: The guilt has usually been laid to the CIA, sometimes with conspirators among the FBI and the "military-industrial complex." Of course there is the *cui bono* theory that Johnson engineered it—put forward by Jack Ruby and secretly shared by who knows how many of us during the days after the assassination.

Conspiracy of the Mafia: Since this is a repetition of terms, it's handy to explain any suspect event.

Six years after the assassination, the government-conspiracy theory surfaced in a New Orleans court when District Attorney Jim Garrison obtained an indictment for conspiracy against Clay Shaw, an elegant local aristocrat. Garrison had developed some fascinating information about Oswald's New Orleans contacts that might have led to something, but he blew it. His book, *Heritage of Stone*, has some shockers in his description of his treatment by federal authorities, but it is filled mostly with high-flown conspiracy theories. The book does nothing to advance Garrison's case: Clay Shaw's name does not appear in the text of the book, according to the index. Garrison and all others who disagreed with the Warren Report have been castigated as publicity seekers, scavengers, and nuts. Unquestionably the case attracted no end of nuts, and Garrison is something of a fool. But wading through the literature ten years later, I cannot dismiss all these people as either venal or crazy.

Once the Warren Commission failed in its attempt to gloss over the evidence of conspiracy, Americans who retained their outrage had to find their own answers. The terrible flash of insight when a single dread assumption makes all the facts seem to fall into place is an experience that can make a fanatic of any of us. It can make you spend your time and your money; make you wreck your career, lose your friends, live in scorn.

—Norman Hoss